

Memorandum

From: Alison Redford, Q.C.
Minister

Our File Reference:

Your File Reference:

To: Ray Bodnarek
Deputy Minister of Justice and
Deputy Attorney General

Date: December 14, 2010

Subject: Tobacco Litigation

Thank you for preparing briefing note AR 39999 regarding Tobacco Litigation. I note that the Review Committee considers all three firms interviewed to be capable of adequately conducting the litigation and believes that while no consortium stood above the others, all three have unique strengths and weaknesses.

Considering the perceived conflicts of interest, actual conflicts of interest, the structure of the contingency arrangement and the importance of a "made in Alberta" litigation plan, the best choice for Alberta will be the International Tobacco Recovery Lawyers.



Alison Redford

BRIEFING NOTE

For Information

Deputy Minister

SUBJECT: Tobacco Litigation

ISSUE: Status update

Reviewed by Ray Bodnarek, Q.C., Deputy Minister of Justice

SUBMITTED BY:

Grant D. Sprague, Q.C.
Assistant Deputy Minister of Legal Services

CONTACT:

Lorne Merryweather, Q.C. (780) 422-9501

BACKGROUND:

The Deputy Minister has requested a status update on this matter.

Nationally:

Almost all provinces have enacted legislation that enables them to sue tobacco manufacturers for tobacco related health care costs. BC, Ontario, and New Brunswick have also commenced law suits.

Section 21(1)(a)(i)

Section 21(1)(a)(i)

The law suits seek damages for the increase in health care costs alleged to have arisen from tobacco companies' tortious marketing conduct.

Alberta:

On October 25, 2010, Minister Redford announced that Alberta would initiate legal action to recover health care costs from the tobacco industry pursuant to the *Crown's Right of Recovery Act*.

In early November, a number of law firms were invited to submit expressions of interest to represent Alberta in the litigation, on a contingency fee basis, fronting all disbursements. One firm and three consortiums submitted written proposals by the November 15 deadline. The three consortiums make presentations to a Review Committee during the last two weeks of November.

The Review Committee's assessment of the three proposals was provided to the Minister of Justice in early December. All three consortiums were considered capable of adequately conducting the litigation, and no one consortium stood out above the others. Each had unique strengths and weaknesses.

Shortly before Christmas, Minister Redford selected the International Tobacco Recovery Lawyers (the Jensen consortium).

Information Non Responsive

Lorne Merryweather

From: Grant Sprague
Sent: Wednesday, December 22, 2010 9:35 AM
To: Barb Mason
Cc: Lorne Merryweather, Jeff Henwood
Subject: Tobacco [REDACTED]

Call made to Karsten Jensen at the successful consortium.

Grant

Grant D. Sprague, QC
Assistant Deputy Minister
Legal Services Division
Alberta Justice

Lorne Merryweather

From: Karen Christensen
Sent: Wednesday, December 22, 2010 3:05 PM
To: Ray Bodnarek; Jeff Henwood
Cc: Lorne Merryweather
Subject: Tobacco Litigation letters

Section 17(1) & 17(4)(g)(ii)

Attachments: Scanned signed letter to .pdf, Scanned signed let to .pdf, Scanned signed let to .pdf

Good Afternoon,

FYI - attached are the scanned signed memos that have just been emailed to the unsuccessful candidates.



Scanned signed
letter to



Scanned signed let
to



Scanned signed let
to

Karen

Karen Christensen

Assistant Deputy Minister's Office

Legal Services Division

Alberta Justice

Phone: 780-427-0912

Direct: 780-644-2607

E-mail: Karen.Christensen@gov.ab.ca

Letter to unsuccessful party

I want to again thank you and your firm for the thoughtful and complete proposal to address Alberta's tobacco litigation

In reviewing the proposals presented we were struck by the high quality of proposals, the calibre of legal teams proposed as well as the plaintiff focused approach to the litigation.

The quality of the proposals made the assessment of the proposals very challenging. It became obvious that each proposal had their own unique qualities.

I regret to advise that your proposal was not successful.

Again I thank you for your interest.

Grant D. Sprague, Q.C.

Lorne Merryweather

From: Carsten Jensen [jensenc@jssbarristers.ca]

Sent: Thursday, January 06, 2011 2:31 PM

To: Lorne Merryweather

Subject: Tobacco

Happy new year Lorne,

Grant and I spoke before Christmas, and we were very happy to learn that we will be working with you on the health care recovery claim. The first step obviously will be for us to finalize the terms of retainer. Does it make sense for us to chat sometime in the next few days? Let me know what works best for you,

All the best,

Carsten

Carsten Jensen, Q.C.

Partner

Direct: 403 571 1526

JSS BARRISTERS

Jensen Shawa Solomon Duguid Hawkes LLP

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